

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

1. LAUREEN McGOWAN,)
2. JOY MASON,)
3. IVETTE FIGUEROA,)
4. MELISSA ESPINOSA,)
5. REGENIA OLDBEAR,)
6. KERRI JENNINGS,)
7. KIMBERLY SUMMERS,)
8. BRENDA BROWN,)
9. TERESA CHAGOLLA,)
10. DENA ESTRADA,)
11. JENNIFER SLINKEY,)
12. KIMBERLY SMITH,)
13. SUZANNE ELLIOTT, and)
14. TAMMIE BACA, all individuals,)

Case No. CIV-07-1168-HE

Plaintiffs,)

vs.)

1. SHERIFF OF CUSTER COUNTY,)
in his official capacity,)

Defendant.)

JOURNAL ENTRY OF JUDGMENT UPON AGREED SETTLEMENT

THIS MATTER comes before the Court on the Joint Motion For Entry of Judgment Upon Agreed Settlement (Dkt. No. ²³¹~~230~~). Plaintiffs appear by and through their lead attorney of record, Seymour & Graham, LLP. Defendant Sheriff of Custer County, in his official capacity, appears by and through its lead attorney of record, Collins, Zorn & Wagner, P.C. Upon being advised that the parties have reached a full and final settlement of this action, and that the Board of County Commissioners for Custer County has authorized entry of a consent

judgment in the amount of Ten Million Dollars (\$10,000,000.00), the Court finds as follows:

1) That the Court has subject matter jurisdiction of this lawsuit and the parties.

2) That the parties have reached a full and final settlement of this lawsuit with no liability admitted on behalf of Defendant, the Board of County Commissioners of Custer County or Custer County.

3) That the Board of County Commissioners of Custer County has formally authorized settlement of Plaintiffs' lawsuit in the amount of Ten Million Dollars (\$10,000,000.00), and all Plaintiffs have agreed to the terms of the settlement, which are set forth and reduced to judgment herein, hereby settling all claims that were brought or could have or should have been brought against the Defendant, the Board of County Commissioners of Custer County, or Custer County, and all other Releasees as defined below, arising from or relating in any way to the conduct alleged in the Second Amended Complaint (Dkt. No. 42) or any related conduct of the Releasees alleged to have occurred since the filing of the Second Amended Complaint (Dkt. No. 42), as those claims exist as of the filing of this Journal Entry of Judgment Upon Agreed Settlement.

4) That Plaintiffs, on behalf of themselves, their heirs, successors and assigns, hereby release and forever discharge the Defendant, the Board of County Commissioners of Custer County, Custer County, office holders whether state or county, and their past or present board members, employees, agents,

representatives, affiliates, successors, assigns and all other persons, firms, corporations that are or may be liable to any extent for any or all claims of any kind or character whatsoever (herein individually "Releasee" and collectively "Releasees"), arising from or relating in any way to the conduct alleged in the Second Amended Complaint (Dkt. No. 42) or any related conduct of the Releasees alleged to have occurred since the filing of the Second Amended Complaint (Dkt. No. 42), which Plaintiffs, individually and in all other capacities, now have or under any circumstances could or might have had against any Releasee as of the filing of this Journal Entry of Judgment Upon Agreed Settlement (herein the "Released Claims").

5) That payment of Ten Million Dollars (\$10,000,000.00) is inclusive of all attorneys fees, liens, interest, and costs, and all medical, dental, doctor, chiropractic, mental health, attorney, hospital and health care provider liens.

6) That if this Judgment were against an individual, it would be payable in full immediately. Because of the statutes of the State of Oklahoma, the paying entity, the Board of Commissioners for Custer County, Oklahoma, will pay the Judgment in three equal annual installments beginning in 2011. The Plaintiffs and the Defendant have agreed that the Judgment shall not, under the circumstances, bear interest. Interest shall not be imputed.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the Joint Motion for Judgment Upon Agreed Settlement of the parties (Dkt. No. 230),

is hereby **granted**. Judgment is hereby entered against Defendant in the amount of Ten Million Dollars (\$10,000,000.00), and payable to the various Plaintiffs as follows:

- a) Brenda Brown, for her alleged physical injuries, shall receive Three Million Eight Hundred Fifty Thousand Dollars (\$3,850,000.00).
- b) Joy Mason, for her alleged physical injuries, shall receive Three Million Eight Hundred Fifty Thousand Dollars (\$3,850,000.00).
- c) Melissa Espinosa, for her alleged physical injuries, shall receive Two Million Dollars (\$2,000,000.00).
- d) Laureen McGowan, for her alleged physical injuries, shall receive One Hundred Thousand Dollars (\$100,000.00).
- e) Kimberly Smith, for her alleged physical injuries, shall receive Fifty Thousand Dollars (\$50,000.00).
- f) Kerri Jennings, for her alleged physical injuries, shall receive Twenty Six Thousand Dollars (\$26,000.00)
- g) Ivette Figueroa, for her alleged physical injuries, shall receive Seventeen Thousand Dollars (\$17,000.00).
- h) Teresa Chagolla shall receive Twenty Thousand Dollars (\$20,000.00).
- i) Jennifer Slinkey shall receive Twenty Thousand Dollars (\$20,000.00).
- j) Dena Estrada shall receive Ten Thousand Dollars (\$10,000.00).
- k) Tammie Baca shall receive Twenty Thousand Dollars (\$20,000.00).

- l) Suzanne Elliot shall receive Seventeen Thousand Dollars (\$17,000.00).
- m) Regina Oldbear shall receive Ten Thousand Dollars (\$10,000.00).
- n) Kimberly Summers shall receive Ten Thousand Dollars (\$10,000.00).

IT IS FURTHER ORDERED, ADJUDGED AND DECREED, that, in consideration of this consent judgment and the payments to be made hereunder, Plaintiffs, on behalf of themselves, their heirs, successors and assigns, release and forever discharge Releasees from any liability for the Released Claims as of the filing of this Journal Entry of Judgment Upon Agreed Settlement.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED, that payment of Ten Million Dollars (\$10,000,000.00) is inclusive of all attorneys fees, liens, interest, and costs, and all medical, dental, doctor, chiropractic, mental health, attorney, hospital and health care provider liens.

IT IS FURTHER ORDERED ADJUDGED AND DECREED, that this Judgment shall not bear interest and interest shall not be imputed.

IT IS FURTHER ORDERED ADJUDGED AND DECREED, that no liability has been admitted by or found against Defendant, the Board of County Commissioners of Custer County or Custer County, and they have advised the Court they have consented to the entry of this Judgment and agreed to its terms

in order to avoid the risk of further time, expense, and monetary exposure associated with this case.

IT IS FURTHER ORDERED ADJUDGED AND DECREED that the Board of County Commissioners of Custer County will pay the Judgment in accordance with Title 62 Oklahoma Statutes § 365.5 in three equal annual payments beginning in 2011 to the trust account of Seymour & Graham, LLP (or any successor thereof as directed by R. Thomas Seymour). Upon payment of any portion of this Judgment to the trust account of Seymour & Graham, LLP (or any successor thereof as directed by R. Thomas Seymour), Releasees shall be released from any and all claims under this Judgment as to that portion of the Judgment paid to such trust account.

IT IS FURTHER ORDERED that all other pending Motions are therefore stricken as moot.

IT IS SO ORDERED this 24 day of May, 2010.



Honorable Joe Heaton
United States District Judge

**APPROVED AND AGREED TO
ON BEHALF OF ALL PLAINTIFFS:**

s/ R. Thomas Seymour

R. Thomas Seymour, OBA No. 8099

Scott A. Graham, OBA No. 19817

Anthony L. Allen, OBA No. 19738

SEYMOUR & GRAHAM, LLP

and

s/ Gregory P. Williams

David M. Garrett, Jr. OBA No. 20704

Gregory P. Williams, OBA No. 9647

GARRETT LAW OFFICE, P.C.

ATTORNEYS FOR ALL PLAINTIFFS

**APPROVED AND AGREED TO
ON BEHALF OF DEFENDANT:**

s/ Ambre C. Gooch

Chris J. Collins, OBA No. 1800

Ambre C. Gooch, OBA No. 16586

COLLINS, ZORN & WAGNER, P.C.

429 NE 50th, Second Floor

Oklahoma City, Oklahoma 73105

Telephone: (405) 524-2070

Facsimile: (405) 524-2078

E-mail Address for service:
cjc@czwglaw.com

Attorneys for Defendant